IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13175 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BANUKUMARI SACAR

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 13175 of 2004

MR PK PAREKH for Petitioner No. 1

MR M A SHAIKH AGP for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 15/10/2004

ORAL JUDGEMENT

1. Rule. Mr.M A Shaikh, ld. Additional Central

Government Standing Counsel waives service of rule. At the request of learned counsel for the parties the petition is finally heard today.

2. The petitioner states that through inadvertence her name, date of birth and place of birth have been wrongly mentioned in the Passport and the respondent authority has refused to entertain her request to correct the said mistakes. According to the petitioner, the correct name of the petitioner is Bhanucumari Sacar instead of Banukumari, the correct date of birth is 22.05.1954 instead of 18.06.1954 and the correct place of birth is Massinga-Mozambique instead of Masssing-Diu in her Passport.

3. The learned advocate for the petitioner produces on record a translation of the original birth certificate of the petitioner, at page 10 of the petition. According to the said translated birth certificate, the correct name of the petitioner is Bhanucumari Sacar, the correct date of birth of the petitioner is 22/05/1954 and the correct place of birth of the petitioner is Massinga-Mozambique instead of Massinga-Diu.

4. Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the document placed at Annexure-A, page 10 to the petition. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before it and shall pass an appropriate order as expeditiously as possible.

5. As the respondent authority will have to undertake the exercise of scrutinizing the case of the petitioner afresh because of the default committed by the petitioner in not placing the correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

6. Accordingly the petition is allowed to the aforesaid extent. Rule is made absolute. D.S. permitted.

[K.S. JHAVERI J.]
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